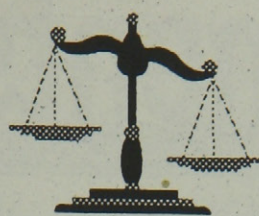


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Quid Navi



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March 6, 1995

McGill Law in Russia, Towards the Rule of Law

Peter Sahlas
LL.B. II

After over a year of preparatory work, McGill Law is ready to launch a two-year joint study on post-Soviet legal development. This February a five-member delegation travelled to Russia, funded by the Department of Foreign Affairs. "Team McGill" included Professor Harvison Young, Professor Janda, Ian Bird, Serge Koperdak and Peter Sahlas. In bringing the project together, all delegation members travelled to St. Petersburg, three travelled to Moscow, one to Prague and two to Paris. All major preliminary field work for the implementation of the

joint study is now complete.

The main objective of the February trip was to prepare for the two-year program of cooperation with our Russian counterparts. The delegation worked to assemble a coalition of academic, governmental and private sector experts who will be committed to the project in the long term. In building this coalition the delegation sought to assess the situation of Russian legal education at leading universities and institutes, gauge the support and commitment of the various partners and gain an appreciation of the challenges inherent in Russian reform work.

Meetings were held with the

leading academic and administrative officials of the European University at St. Petersburg, the St. Petersburg State University Faculty of Law and the Baltic Institute. Discussions focused on needs assessments, institutional and individual research priorities and possibilities for resource sharing and future exchanges.

One of the key successes of this project has been securing the interest and participation of high-level government officials of the Russian Federation and the City of St. Petersburg (which is itself a constituent member of the Russian Federation.). The McGill Law project in Russia is

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McGill Student Pugwash on Global Population

Environmental Law
Association of McGill
Jay Sinha, Nat. IV

Many of you are likely wondering what McGill Student Pugwash is. Well, in 1955 Albert Einstein and Bertrand Russell called

together a number of prominent scientists from around the world to form an organization to discuss and address the threat of nuclear war. Their first meeting took place in 1957 and was funded by Cyrus Eaton. His one

condition for providing the funding for this meeting was that it take place in his hometown of Pugwash, Nova Scotia - hence the unique and catchy name.

Since that time Pugwash has grown into

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Announcements / Annonces

CALENDAR OF EVENTS

FORUM NATIONAL:

The Honorable Mr. Justice Jean-Louis Beaudouin, Quebec Court of Appeal, will speak on "Reflections on the Role of the Court of Appeal", Wednesday, March 15, at 12:30 p.m. in the Moot Court.

ANNIE MACDONALD LANGSTAFF WORKSHOP:

Marie-France Bich, Professeure, Faculté de Droit, Université de Montréal, will speak on "L'Equite dans l'emploi", Wednesday, March 22, at 11:30 a.m. in Room 202.

LEGAL THEORY WORKSHOP:

Joshua Cohen, Departments of Philosophy And Political Science, Massachusetts Institute of Technology, Friday, March 24, at 11:30 a.m. in Room 202.

NOTES FROM THE OFFICE OF UNDERGRADUATE STUDIES

Information for April 1995 examinations is starting to appear on board number 3 on the ground floor. Check this board frequently for updated examination information.

Attention all First Year Students: upon successful completion of your first year of study, you will be admitted automatically to the National Programme. If you wish to opt out of the National programme, come to the OUS and fill out the necessary form.

If you have a first-term deferred or supplemental examination to write in August and have not yet done anything about it, pick up an application form from the OUS and return it by Friday 31st March. Each deferred or supplemental examination costs \$10.00.

The deadline for submission of second term term essays and papers is Friday 21st April, unless another, earlier deadline has been established by your instructor.

1995 Post Graduate Scholarships applications (Botsford Busteed, John W. Cook K.C. Prize, Macdonald Travelling, Thomas Shearer Stewart Travelling, Spiegel Sohmer Taxation) and 1995 Prizes & Scholarships applications (essays, extra-curricular activities, improvement & progress and Anglophones showing proficiency in French) are now available from the OUS.

LOST AND FOUND

All the lost and found objects (books, clothes, etc.) that have not been claimed will be thrown away or donated to charities very soon... So if you think that some of these things may belong to you, come and check

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Rédactrice en chef/ Editor-in-chief:
Laurence Detlière

Directrice administrative/ Administrative Director:
Barbara Frederikse

Directrice de l'information/ News Director:
Alpana Garg

Pour ce numéro/ For this issue:

Equipe de production/Production Team:
Emmanuel Castiel and Diane Piedmont

Russia

(Continued from page 1)

of federal and regional government in St. Petersburg. Of note, the project organizers have cultivated a close relationship of trust and common interest with the office of the federal Ministry of Justice. The Russian government officials who met with the delegation will allow access to information from institutions that are otherwise very difficult to penetrate. This project will thus be a groundbreaking test policy of international cooperation for these institutions.

The project has received great support from the office of Foreign

Minister André Ouellet, from the Department of Foreign Affairs Bureau of Assistance for Central and Eastern Europe and from the Consulate of Canada at St. Petersburg. A cocktail/dinner reception organized by the Consulate brought together representatives of all the main project partners. In Moscow, the Canadian Ambassador was briefed on the work being pursued. Ambassador Jeremy Kinsman was very supportive of our work, and he offered the assistance of the Embassy as the project develops.

A cultural side-program was organized to supplement the official agenda. The group took in an opera at the Mariinsky Theatre (long known as the Kirov), visited the Hermitage museum, and sampled some of the finest and not-so-finest of

Russian *gastronomie*. Late one night our group even paid a visit to *The Tunnel*, an urban bomb shelter recently converted into the funkier dance bar east of the fallen Iron Curtain.

Students and professors who are interested in this project should contact Peter Sahlas for more information. The Faculty has applied for core funding from the Department of Foreign Affairs, and the granting agency's decision on our proposal will be forthcoming this month. If the full proposal is approved, opportunities will become available for students and professors to work in the field and witness first-hand the historic changes underway as Russia moves towards the rule of law.

Pugwash

(Continued from page 1)

an informal worldwide movement with numerous student branches as well. Canadian Student Pugwash was founded by Thomas Homer-Dixon (currently Director of Peace and Conflict Studies at University College, University of Toronto) in 1979, and the formation of McGill Student Pugwash by Julian Betts and Heidi Nast followed in 1983. The mandate of Pugwash has expanded from the nuclear war focus to a commitment to providing a forum for broad, balanced discussion of the ethical and social implications of science and technology.

Between March 10-12, 1995, McGill Student Pugwash will host a conference on global population to try and clarify some of the issues and factors which play into such a complex and all-encompassing problem. The format of the conference includes workshops and panel discussions with

particular emphasis on focus countries. Prior to attending a particular workshop for the duration of the conference, each participant will be given background information on a focus country of their choosing. This is intended to give participants different perspectives and allow them raise specific issues important to their chosen country. At the conclusion of the conference, participants with the same focus country will get together and discuss what their workshops have shown to be possible options for their country.

The panel discussions include: *Carrying Capacity as a Concept, Reproductive Rights and Technology, Population Growth: Policy and Jurisdiction*

The workshop topics are: *The Technology of Feeding of a Planet, Resources and Population (focusing on water and energy), Migration and Population Distribution (including migration policy), Environmental Considerations (focusing on pollution and waste management), Health Care and Disease,*

Urbanization, Cultural Priorities and Social Structure, Religion and Population

The focus countries are: *China, Iran, India, Sweden, Honduras, Germany, Mexico, Botswana, USA*

The catch is that by the time you have read this time will be very tight since the registration deadline was officially March 1, 1995. If, however, you are interested, do get in touch with James Mott as soon as possible at Tel.: (514) 488-0648; Fax: (514) 398-7490;

E-mail: pokey@fac1.lan.mcgill.ca; or stop by the McGill Student Pugwash Office in person in Room 410 of the William Shatner Building, 3480 McTavish, Montreal, H3A 1X9. The cost of the conference is \$15 which includes the panels, workshops, information packets and lunch on Saturday.

The conference addresses serious and complex problems that affect us all. Why not put your mind to good use and learn about the world around you.

Another Women's Week

Diane Piedmont
BCL I

During a conversation between two Feminists at the *Quid* office last week the suggestion was offered by a male student, in well-meant jest, I'm sure, that "we should have men's day." Well... The other Feminist and I had the same response: "Every day is men's day." In fact, the world has been celebrating "men's day" every day for approximately ten thousand years. As a balance and corrective, I propose that we give ourselves more "women's weeks".

It's not as though International Women's Week, as it is (some might say, necessarily) constructed poses any real threat to the established order. It is, after all, just one week. Women wishing to celebrate the achievements of women and to create a context for serious reflection on our real and pressing concerns must assemble as many events within that week as the constraints of time and energy will allow. One week is barely enough time to skim the surface of some of the concerns of some women, let alone weave the necessary connections between them all so that we could understand the varieties of women's experience well enough to come up with a workable plan for... well, for eliminating the problems, for the goddess' sake!

For a Feminist 1, however, every day is women's day. Every day provides fresh, and not usually welcome, opportunities to enlarge her analysis of what she has come to know as "the situation": of the ways in which, despite "advances" made by and for a small number of women, the material and spiritual conditions of growing numbers of women throughout the world are in a downward spiral; of the possible reasons why all of this seems so horrifyingly normal. Like interstitial tissue beneath the big news stories on radio, t.v. and in the papers (i.e., the budget, the deficit, the economy, the debt, the referendum and war), the realities within the daily stories of ordinary and extraordinary violence against women remain so well hidden, they would only be missed in their absence.

Only once in a while does violence against women leap to the front page or the top of the news: fourteen female

university students killed because their killer believed they were feminists; Sarah Dutil, age 11, raped, murdered and her body stuffed into a dumpster by the boyfriend of a woman whose children she had been babysitting; Melanie Carpenter, abducted, raped and murdered; Tara Manning, raped, stabbed and smothered in her bed at home. There are others, too numerous to mention.

The placement of a story speaks volumes. A front page story about women killed by husbands and boyfriends (an average of 20 per year in Quebec, usually after announcing their intention to leave the relationship) next to a story in which a *Gazette* reporter writes: "In a ruling (sic) yesterday, Justice Peter Cory said drunk driving has a far greater impact on Canadian society than *any other crime* (italics mine)" sounds a feminist alarm. The Feminist finds it strange and disconcerting and, yes, more than a little scary that random violence against the population at large is seen as having greater social impact than violence directed specifically against women whose expression of their own personal autonomy represents an acceptable reality to their killers.

Usually it is in the back pages that the stories are found of women being flogged in Bangladesh (often for being raped, and lacking the requisite three male witnesses to corroborate their complaints); of hundreds of thousands of women in Kashmir, Bosnia and Rwanda being raped ("to humiliate their menfolk") and being forced to bear the babies of the men who call them enemies. (Or does this story belong with the other "collateral damage" stories?). A Feminist begins to wonder how, after the initial expressions of "shock" and "outrage" in the media, everything can just slip so easily back into the horrible normalcy of daily life.

But "reality" rolls along, day after day. We scarcely notice that, while male war criminals, drug dealers, cop-killers and "ordinary" practitioners of violence against women seem to have little difficulty gaining admission to Canada as refugees, women who are victims of male violence, particularly if they have children, are regularly deported. (Apparently it is easier to spot a woman

with children than it is a man with a gun in his pocket, or blood on his hands.) Women are subtly portrayed as net liabilities to Canadian society. Men are, presumably, net gains.

Another International Women's Day has come and gone, and women are still reluctant to make the connections. Many are still afraid to use the F-word to describe their perspectives and politics. Few of their voices are heard in protest when police and the news media refer to a local rapist as "the polite rapist" - because he uses a condom and doesn't beat his victims; or when a woman refugee status claimant who has been assaulted on numerous occasions by her ex-husband is deported from Canada with her three children, while the former husband is given permanent resident status because he has married a Canadian woman. Fewer still will wonder what all this has to do with *Simpson* prosecutor, Marcia Clark, being sued for custody of her children by her ex-husband on the grounds that her working sixteen hours a day renders her unfit to care for them.

The pieces of the puzzle are strewn across our landscape. Do we dare to pick them up? Do we dare to put them all together? Or will we find ourselves, around this time next year, arranging them under appropriate themes for yet another Women's Week?

I submit that the benefit of having another Women's Week (and another, and another...) is that it would give us time to share the connections between our own experiences and those of others, and to practice seeing the world through our own eyes. That view, reflected in the world around us, is a paradigm shift waiting to happen. With a year of Women's Weeks, a Feminist might just feel the earth move.

1. Feminist: one who observes the world around her and asks, "what does this mean to women, and to myself?" The reasons for the development of this kind of perspective in some women is a cause for some concern in some quarters; it has been suggested that the disorder may be linked to a defective gene.

Jody Talk

Some of you may have been disheartened at my column's absence in the last issue of the *Quid*. Others, may have taken joy in the fact that they wouldn't have to slog through my endless rantings about the evils of the Faculty. I have the same message for both types of readers, "I'm Baack!" Contrary to popular belief not every Jodytalk writes itself either quickly or easily. Sometimes I stare at a blank screen for hours and every word comes as painfully as an 8:30 AM class in equity and trusts. Fortunately, not every column is that difficult to write, sometimes something that happens in faculty just pisses me off so much that I have to let everyone know about it, such as the nature of today's column. So, for those of you off put by the vitriolic rantings of a deranged third year student whose bullshit detector has just gone off the scale, I suggest, not advise, you go read some of that feel-good-about-law-school propaganda they've been putting on your e-mail. The rest of you, read on.

Most of you know that I'm the Office Manager at the McGill Legal Info Clinic. What some of you may not know is that I receive three credits per semester, via the Legal Clinic Course, for the work I do there. One of the requirements of the course is that I attend a group meeting with the faculty advisor in charge, and report on my activities within the Clinic. I attended this meeting last week, which began with the faculty advisor telling us that a colleague of his had heard from a student that the Legal Clinic Course was the, "...biggest flake of three credits in law school." (I'm not purposely being coy with you as neither the name of the colleague, nor the student was disclosed to me.) Suffice it to say that if this were true then the only reason I would be spending 15+ hours a week in the basement of the Shatner University Centre was to smell the Pizza Hut.

I'd like to make a few of observations about the student who would say something like this. Assuming that he or she is enrolled in the Legal Clinic course he should immediately drop the course and do something more "academically honest", like checking parallel citation for the Law Journal. However, if in fact he's getting a "free ride", why on earth would he want to screw it up for the rest of us? If you can figure that one out, you're probably privy to why people rip cases out of reporters, the difference between specific and general intent crimes, and how they get the stuff inside the Caramilk bar. On the other hand, if he isn't enrolled in the course, I still can't figure out why he's losing

any sleep over three "flakey" credits in the first place. Students who opt to take the Legal Clinic Course get a pass/fail grade, so it's unlikely to move them up in the class ranking. Furthermore, volunteer work at a Legal Information Clinic is unlikely to win you any converts at a job interview, for that matter neither will saying that you're a loyal Jodytalk fan. The only plausible reason that a student would be at all concerned that this was a flakey course is that he's worried about the academic integrity of this institution, and if he has that much free time on his hands he can't be making his own summaries. It just doesn't make any sense for this guy to start knocking the Course to a professor, and it makes even less sense for a professor to take anything that was said seriously.

Let's assume for a minute that the belly crawling vermin, the hypothetical student in our example, isn't enrolled in the course. That would make anything that he told the professor hearsay. (Now I didn't do very well in evidence so professors Klinck and Sklar will have to forgive me any glaring inaccuracies) Hearsay is generally not admitted in court because there is no way to determine the reliability of the statement, since the out of court declarant is unavailable for cross examination. Furthermore, there is always the issue of this student's bias in passing on this information. Why would he be saying this, since there is obviously nothing for him to gain by it, see above discussion. On the other hand, if we assume that the student is enrolled in the course, the statement is no longer hearsay. However, in that case wouldn't it be just as plausible to assume that it is the student who is inherently flakey, and not the course? At any rate, there's really no more reason to believe what this student says than there is to believe that the Supreme Court is capable of rendering a judgement of under 100 pages.

The bottom line is that the blame lies neither with the student, who is probably just bent outta shape because someone else has found a better way to cheat the system than him, nor with the professor, who has been in the ivory tower so long that he incorrectly assumes that the legal system is about truth and justice, rather than legal fiction. The blame lies in a law school that is inherently suspicious of anything that isn't corporate/commercial in nature. I'll be the first to admit that stereotypes are unfair conclusions which draw upon a minimum of information and superimpose it upon a large segment of the population. However, with respect to the goings on in the faculty I have a little more than a minimum of information. A student in the meeting I attended last week remarked that if placements were within the banking industry, the student's comments would have been disregarded for the trash they are. Rather, it is because the clinics we work for don't charge by the hour that the

work we do there is undervalued. Perhaps the professor was so taken aback by the comments because he is under the mistaken impression that all other courses require diligent preparation, instead of a recently compiled summary.

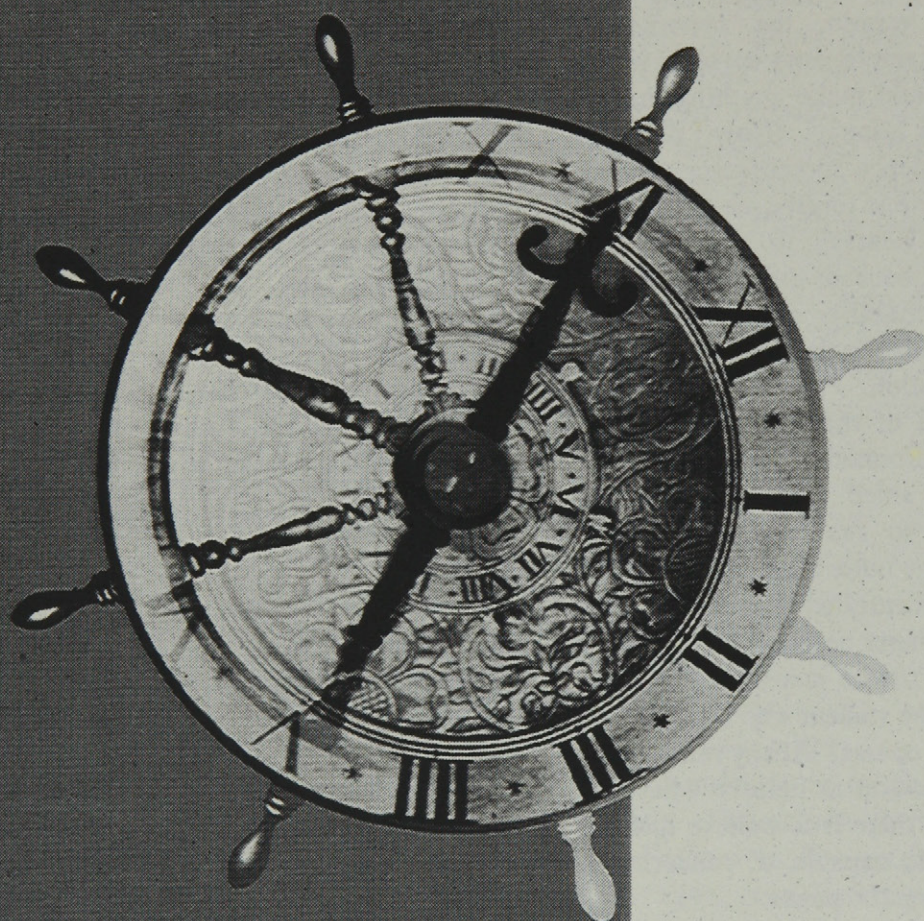
The Law School isn't the only one to blame though. The blame lies in a profession that consistently undervalues the importance of community work. Lawyers have now surpassed used car salesmen and politicians as the most hated and least trusted group of people on the planet. The reason is the stereotype that lawyers are self interested beings who care more about generating billable hours, than obtaining a just result for their clients. The clinics that the law students in the Course service, cater to a segment of the population that has been completely abandoned by the legal system. They often have just enough money to disqualify them for legal aid, yet not nearly enough to plunk down the \$2,500 to retain a private lawyer. If they do manage to qualify for legal aid they are often dispensed with a minimum of contact in order that the often overworked lawyer move on to the next case. The clinics give them someone to take the time to listen to their problem and explain to them a system that is often confusing, even to the people who run it. The clinics remind the students of the maxim that all men are equal before the law, and that money, shouldn't, but often is, the measure of the justice that you will get in a given situation.

I have a solution for the problem. Make volunteer work in a Clinic setting mandatory for students, professors and members of the bar. For the student the experience is at least as, and likely a whole lot more valuable than Foundations of Canadian Law. For the professors it might prove to them that just because there isn't a Charter issue in the case doesn't mean that it doesn't involve legal research. For members of the bar, it may remind them that the law is meant to protect everyone, not just those who can afford it. Finally, a system such as the one I have described may just begin to persuade the public that all lawyers shouldn't get their heads ripped off by a Tyrannosaurus Rex while sitting on the can.

Jody Berkes is a third year law student whose vitriolic rantings disguised as social commentary can be found in the pages of the Quid Novi on a weekly basis.

1 For the remainder of the column I will use the pronoun he. I do so not because I think that men are inherently more lazy and shiftless than women. On the contrary, I assume all students in law school are equally lazy and shiftless, unless they demonstrate otherwise. I do so because I hate typing he or she, s/he, and all other politically correct, yet grammatically dismal derivatives.

SOYEZ *Maître* DE VOTRE *Avenir*



À tous les étudiants en droit, la Division-Québec de l'Association du Barreau canadien offre les outils qui favoriseront leur épanouissement professionnel et personnel: en plus des différentes publications dont disposent ses membres. Elle met également à leur disposition une foule d'activités: conférences, rencontres et discussions portant sur des sujets de l'actualité juridique (consultez le programme d'activités de l'ABC).

Comme étudiant, votre cotisation sera minime puisque subventionnée. Procurez-vous les outils qui vous permettront d'être maître de votre avenir!



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Pour en savoir plus, communiquez avec la Division-Québec de l'ABC.